

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE:

4 Methyl Tertiary Butyl:MDL NO. 1358 (SAS)
5 Ether ("MTBE") :
6 Products Liability :
7 Litigation :

8 CONFIDENTIAL (Per 2004 MDL 1358 Order)

9 In Re: City of New York

10 -----
11 April 22, 2009
12 -----

13 CONFIDENTIAL Videotaped
14 Deposition of WILLIAM A.T. MEAKIN,
15 P.E., held in the law offices of
16 McDermott, Will & Emery, 340 Madison
17 Avenue, New York, New York, beginning at
18 approximately 10:13 a.m., before Ann V.
19 Kaufmann, a Registered Professional
20 Reporter, Certified Realtime Reporter,
21 Approved Reporter of the U.S. District
22 Court, and a Notary Public.

23 -----
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25 877.370.3377 ph|917.591.5672 fax
26 deps@golkow.com

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| <p style="text-align: right;">Page 106</p> <p>1 Q. Are those being accorded 2 any rank in terms of capital 3 expenditures that may have to be spent 4 down the line, or are they in their 5 infancy and you really can't predict the 6 capital spending needs? 7 MR. REO: Objection. 8 A. They -- all the projects 9 are going to be taken forward to some 10 point of facility planning to allow DEP 11 to make an informed decision of what the 12 Dependability Program should be to take 13 us -- to allow us to take the Rondout- 14 West Branch Tunnel offline for 15 inspection, repair. 16 Q. And when do you believe the 17 DEP will make the decision concerning 18 what aspects of the Dependability 19 Project will be developed beyond the 20 facility phase and in what order? 21 MR. REO: You mean 22 Dependability Project or Program? 23 Q. Program. 24 A. The Dependability Program</p> | <p style="text-align: right;">Page 108</p> <p>1 you are conducting in which the 2 construction of the parallel tunnel may 3 be funded and proceed forward and 4 obviate the need for other projects 5 being undertaken because you're going to 6 actually build the tunnel before you 7 have to take the Rondout-West Branch 8 Tunnel out of service? 9 A. My job is to supply the 10 information for DEP and the City of New 11 York, the Mayor, to make an informed 12 decision on what projects we can 13 afford. I cannot tell anybody, sitting 14 right now, the present tunnel, how long 15 it will last and when it needs to be 16 repaired. I can only state right now we 17 monitor it. It is at steady state; the 18 leakage has not gotten any greater. 19 There are no alarms at the moment, but 20 we constantly monitor this tunnel. 21 So for them to make an 22 informed decision, all that information 23 is going to be brought to them and they 24 will be probably asking for more</p> |
| <p style="text-align: right;">Page 107</p> <p>1 is one of the reasons why we're doing 2 the investigation for the parallel 3 tunnel. At that point, when we have 4 more information, the information of the 5 present jobs that are facility-planned 6 and the rest of the projects that will 7 need to be further investigated, at that 8 point we're anticipating two to three 9 years from now that DEP will have enough 10 information on all the projects to allow 11 it to make an informed decision on 12 which -- the program, the Dependability 13 Program, to get us to allow us to take 14 Rondout-West Branch offline. 15 Q. With respect to the 16 development of a parallel tunnel, in two 17 to three years will there be information 18 to permit DEP to assess whether or not 19 construction of the tunnel may obviate 20 the need to take the Rondout-West Branch 21 Tunnel out of service? 22 MR. REO: Objection. 23 Q. Put it to you this way: Is 24 there a scenario in the planning that</p> | <p style="text-align: right;">Page 109</p> <p>1 information, putting an informed 2 decision on the projects needed to allow 3 us to take that tunnel. So I can't 4 predict what's going to happen in three 5 years from now, but I can see a whole 6 host of projects going forward. In 7 fact, there will be a whole host of 8 projects going forward. 9 Q. With respect to the 10 ultimate decision as to which projects 11 within the Dependability Program will 12 proceed forward and on what schedule, 13 who ultimately makes that decision? 14 A. The ultimate person in 15 charge of the City is the Mayor. 16 Obviously, my old job -- it's not my job 17 anymore -- was to present all the 18 information needed for them to make that 19 informed decision. It will be brought 20 to all the DCs, the deputy commissioners 21 of all the bureaus involved. There will 22 be other Deputy Commissioners involved. 23 BEPA, Kathryn Garcia will be involved. 24 They will be bringing it to the</p> |

28 (Pages 106 to 109)

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1 this tunnel to find out if the historic
2 reports were accurate and there was 660
3 and there's been changes over the years
4 since the operation that affected the
5 carrying capacity.

6 It is also looking at can we
7 increase it -- if that turns out to be
8 no, that was a mistake in the documents,
9 is there other methods of bringing the
10 water from the reservoirs to the City, a
11 higher carrying capacity.

12 Q. And that will be one of the
13 three projects that will be through the
14 facility planning stage for decision-
15 making on the Dependability Program
16 sometime down the line?

17 A. For the decision, for the
18 ultimate Dependability Program, those
19 are one of the three that would have
20 reached 10% design.

21 Q. With respect to Ms. Garcia,
22 has Ms. Garcia ever had any contact with
23 you in which she has expressed any
24 preference as to which of the proposed

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1 we've mentioned, 55 --

2 THE WITNESS: I think she
3 understands we have to pursue all the
4 projects to get to 400-plus mgd.

5 BY MR. STACK:

6 Q. With regard to the 55-mgd
7 project, does that contemplate the
8 development of Station 6 as part of the
9 55-mgd production?

10 A. Station 6 is not part of
11 the 55 potable water. It is 55 --
12 Station 6 is 10 mgd above the 55 mgd or
13 vice versa, 55 is above 10.

14 Q. Okay. With respect to the
15 15-mgd project, is that part of the
16 overall Dependability Plan?

17 MR. REO: 15, you mean the
18 existing capacity?

19 MR. STACK: The emergency
20 capacity, correct.

21 THE WITNESS: It goes by
22 many names. The 15 emergency capacity
23 is part of the Dependability Program. I
24 wouldn't call it a separate project. It

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1 major facility plans should be pursued
2 by the department?

3 MR. REO: Objection.

4 A. She's one of many people
5 that give her my opinion -- give me her
6 opinion what goes forward. I am the
7 project manager. I am the program
8 manager involved with this. I'm doing a
9 facility plan for Dependability. I look
10 at all aspects of the projects. She has
11 her favorites; other people have their
12 favorites. I'm independent. I'm
13 gathering the work to allow them to have
14 an informed decision. I try not to have
15 favorites.

16 Q. And has she ever expressed
17 to you any interest in pursuing one of
18 the facility plans over the other, as
19 best you recall?

20 MR. REO: One of all the
21 facility plans within the Dependability
22 Program or just the three we've talked
23 about?

24 MR. STACK: No, the three

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1 is facilities we have right now that
2 have stated that can be in operational
3 condition within a couple months.

4 BY MR. STACK:

5 Q. With regard to the 15-mgd
6 emergency wells, are you preparing any
7 capital budgets to secure new treatment
8 equipment at any of those wells for
9 installation in the future?

10 A. In the immediate future,
11 no. When we plan to take the tunnel
12 offline, we will be looking at the
13 complete infrastructure of the City to
14 make sure that we can guarantee we can
15 get 400-plus mgd. If at that time
16 capital money has to be spent on
17 facilities like this, there's always a
18 possibility.

19 Q. With regard to the current
20 Dependability Program, does it include
21 the expenditure of capital monies to
22 remove the existing treatment equipment
23 on the emergency wells with a capacity
24 of 15 mgd and replace it with new

30 (Pages 114 to 117)

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| <p style="text-align: right;">Page 118</p> <p>1 treatment equipment?</p> <p>2 A. No. The emergency wells</p> <p>3 have to be up and ready for an</p> <p>4 emergency. We do not want to take</p> <p>5 anything offline or anything. They have</p> <p>6 to be available to us at any time.</p> <p>7 Q. With respect to the design</p> <p>8 phase of Station 6, who is the</p> <p>9 contractor who is going to take the</p> <p>10 Station 6 design to the 10% facility</p> <p>11 plan level?</p> <p>12 A. Station 6 has already gone</p> <p>13 to 10% design level under Malcolm</p> <p>14 Pirnie.</p> <p>15 Q. With regard to the</p> <p>16 contracting work to complete the design</p> <p>17 and construct the project, has that</p> <p>18 contract been awarded to anyone?</p> <p>19 A. That contract has not been</p> <p>20 awarded. We have started preliminary</p> <p>21 work of trying to have a negotiated</p> <p>22 acquisition with the present -- Malcolm</p> <p>23 Pirnie, the present planners.</p> <p>24 Q. What does it mean to have a</p> | <p style="text-align: right;">Page 120</p> <p>1 by which that is anticipated to be</p> <p>2 completed?</p> <p>3 A. We have started the</p> <p>4 paperwork because the goal was that I</p> <p>5 wanted to be able to be able to jump on</p> <p>6 any opportunity in any of the fiscal</p> <p>7 years coming up if other funds came</p> <p>8 available, that we could instantly push</p> <p>9 the paperwork done and get it signed off</p> <p>10 in that fiscal year.</p> <p>11 There will be a time when</p> <p>12 the guidelines will probably not allow</p> <p>13 me to go to negotiated acquisition. I</p> <p>14 would not say we've reached that point</p> <p>15 at the moment.</p> <p>16 Q. With respect to the point</p> <p>17 at which you will either have a</p> <p>18 negotiated acquisition or no, that would</p> <p>19 be what date that you are going to know</p> <p>20 whether you actually will have</p> <p>21 successfully come up with a negotiated</p> <p>22 acquisition or whether you have to take</p> <p>23 it to bid?</p> <p>24 A. There will be a timeline,</p> |
| <p style="text-align: right;">Page 119</p> <p>1 negotiated acquisition?</p> <p>2 A. Under the City guidelines,</p> <p>3 rules, PPB rules, you -- there's many</p> <p>4 ways to hire someone, open bidding, such</p> <p>5 things. If they have an existing</p> <p>6 contract on a planning stage, a facility</p> <p>7 plan, and if you stated it was always</p> <p>8 your intent that this designer may take</p> <p>9 other stages of the design, if the DEP</p> <p>10 project management decides that it's</p> <p>11 beneficial to the City to have them</p> <p>12 carry on the design, it's called -- you</p> <p>13 enter into negotiations with them. But</p> <p>14 it has to also make certain rules of,</p> <p>15 you have to prove that it's not</p> <p>16 beneficial to the City to put it on the</p> <p>17 street. You have to prove that it's</p> <p>18 time sensitive, that we really need to</p> <p>19 get this work done as soon as possible,</p> <p>20 such things like that. Guidelines like</p> <p>21 that are involved in any -- in the</p> <p>22 negotiation.</p> <p>23 Q. With regard to the</p> <p>24 negotiation process, is there a deadline</p> | <p style="text-align: right;">Page 121</p> <p>1 and it's probably within a year or so,</p> <p>2 that we will not be able to go the</p> <p>3 negotiation route, and at that point I</p> <p>4 will -- in my former job the person in</p> <p>5 charge would instructed his people to</p> <p>6 start developing an RFP and get ready to</p> <p>7 put it onto the street.</p> <p>8 Q. If there is an RFP that has</p> <p>9 to be issued for Station 6, what impact</p> <p>10 would that have on the schedule to</p> <p>11 design and build the project?</p> <p>12 A. Right now it shouldn't.</p> <p>13 We're anticipating that that RFP will be</p> <p>14 set in place when the funding is there.</p> <p>15 Q. The funding will be there</p> <p>16 in what fiscal year?</p> <p>17 A. I -- sorry, I have to look</p> <p>18 at the budget, the ten-year budget. I</p> <p>19 would like to say -- can I look at the</p> <p>20 budget, please?</p> <p>21 Q. I think I have the ten-year</p> <p>22 capital plan. Is that what you're</p> <p>23 talking about?</p> <p>24 A. Yes.</p> |

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| <p style="text-align: right;">Page 364</p> <p>1 THE WITNESS: And here it 2 says implemented schedule, "9 to 10 3 years." 4 BY MR. STACK: 5 Q. With regard to the 6 implementation schedule of nine to ten 7 years, does that include the facility 8 planning phase, if you know? 9 A. The facility planning 10 stages now, no, it's after this work. 11 Q. Okay. So with regard then 12 to the "Brooklyn-Queens Groundwater 13 Project" being referred to on Bates page 14 7017 in Exhibit 17, after the facility 15 planning is completed -- and that is 16 about 2012, I believe you said? 17 MR. REO: I believe he 18 testified earlier it was 2011. 19 MR. STACK: Whichever. 20 BY MR. STACK: 21 Q. You can tell me. 22 A. I'd have to review my 23 notes. I wrote it on my notes, 24 actually, of what we've submitted when I</p> | <p style="text-align: right;">Page 366</p> <p>1 MR. STACK: The full 55. 2 And I'll clarify. 3 BY MR. STACK: 4 Q. With regard to completion 5 of the project and delivery of all 55 6 million gallons of water to be produced, 7 that will be achieved sometime in the 8 year 2020 or 2021 based on the current 9 schedule? 10 A. My goal in my past job was 11 to ensure that we adhered to the 12 schedule and get it done then or before 13 that, to beat that schedule. So if the 14 question is the schedule time, yes, my 15 job was to make sure that would happen 16 in that scheduled time or better. 17 Q. With regard to the schedule 18 that's set forth here in Exhibit No. 21, 19 and I'm really trying to figure out -- 20 This is a very simple 21 question. You are testifying as a 22 representative of the City. I simply am 23 trying to establish in your capacity as 24 the person most knowledgeable for the</p> |
| <p style="text-align: right;">Page 365</p> <p>1 was reviewing it. 2 I would say '11. '09 is, 3 yes, '11. 4 Q. Fair enough. Okay. With 5 regard to the 55 mgd project, we will 6 have the facility plan in place, 10% 7 design completed sometime in 2011; 8 correct? 9 A. That's what I recall. 10 Q. With regard to the schedule 11 thereafter, it will take approximately 12 nine to ten years to bring the 55 13 million gallons on line, complete 14 construction and deliver water to 15 customers? 16 A. On this baseball card, yes. 17 Q. And with respect to your 18 testimony as the representative of the 19 City, is it your testimony that the 20 delivery of water from the 55 mgd 21 project will occur sometime between 2020 22 and 2021? 23 MR. REO: Objection. You 24 mean the full 55?</p> | <p style="text-align: right;">Page 367</p> <p>1 Dependability Program, is it your 2 testimony that this project is going to 3 be completed and on line by 2020 or 4 2021? 5 MR. REO: Objection, asked 6 and answered. 7 A. The job of the chief of 8 that division's job is to adhere to the 9 schedule and do better than the 10 schedule. 11 Q. And with regard to the 12 schedule -- I'm sorry, because I really 13 don't think that was responsive to my 14 question. I apologize. 15 A. I then misunderstood your 16 question, sorry. 17 Q. With respect to the 18 testimony that you are giving here as 19 the representative of the City of New 20 York, what is the date certain by which 21 all 55 million gallons that will be 22 produced in the first phase of the 23 Groundwater Dependability 24 Program/Project in Queens, what is the</p> |

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| <p style="text-align: right;">Page 368</p> <p>1 date that that will be in service and 2 available to customers? 3 MR. REO: Objection. Asked 4 and answered. 5 A. The precise date. I can 6 give you a general date of -- the 7 schedule shows, after facility plan, 8 implementation is ten years. If the 9 facility plan is going to be finished by 10 11, so if I add ten years onto that, the 11 outside schedule says 1021 -- 12 Q. With respect to -- 13 A. -- 2021. 14 Q. With respect to the funding 15 decision to proceed and complete final 16 design and construct these facilities, 17 that decision will be made sometime 18 after 2011? 19 MR. REO: Objection. 20 A. Sorry. You'll have to -- 21 MR. REO: Asked and 22 answered. 23 A. -- repeat that. 24 Q. Yes, sir. With respect to</p> | <p style="text-align: right;">Page 370</p> <p>1 55 mgd project, and the Rondout-West 2 Branch parallel tunnel project, that at 3 some point in 2011 that information 4 would be provided to the ultimate 5 decision-makers in the City and they 6 would decide which, if any, of those 7 projects would go forward to final 8 design and construction. 9 MR. REO: Objection. 10 Q. Was I misunderstanding what 11 you said? 12 A. I don't know if you 13 misunderstood it, but I'll clarify that 14 when NCA has -- NCA, sorry -- 3 CDA has 15 had enough information, which is two to 16 three years, probably three years, with 17 the other projects that we want to 18 further develop to have -- to be able to 19 provide upper management the resources 20 they could make a decision on the 21 program, the other information that 22 we've already gathered on the Brooklyn- 23 Queens and the Catskill capacity will 24 also be part of all that information,</p> |
| <p style="text-align: right;">Page 369</p> <p>1 a final decision by the Commissioner and 2 the Mayor to proceed with the 55 mgd 3 project, that will be made sometime 4 after the facility planning phase is 5 completed in 2011? 6 MR. REO: Objection, asked 7 and answered. I mean, I don't know that 8 he said it was the Mayor was going to 9 make the decision, but that it goes up a 10 chain that may include the Mayor. 11 THE WITNESS: Well, I'm 12 getting confused what you mean by 13 finalized as well. The program -- if 14 we're talking about the program, this 55 15 mgd is in the program already. It's 16 what else is needed to get up to 400 17 mgd, what other projects. 18 BY MR. STACK: 19 Q. Understood. 20 And perhaps I misunderstood 21 your testimony. As I understood your 22 testimony yesterday, you indicated that 23 after the facility planning phase is 24 completed for the Catskill project, the</p> | <p style="text-align: right;">Page 371</p> <p>1 they will be making a decision on the 2 program. 3 But I think I've stated 4 that the 55 and the Catskill is part of 5 the program as I've stated the 15 6 emergency is already part of the 7 program. The Croton filtration plant is 8 part of the program. Cross River -- I 9 don't want to name them all. I don't 10 want to delay the point. 11 Q. Understood. 12 With respect to the 13 decision point in 2011, at that point in 14 time will the decision-makers, based on 15 what you understand the process to be, 16 have the authority to pick and choose 17 which of these projects may go forward, 18 given whatever the budget constraints 19 are at the time? 20 MR. REO: Objection, asked 21 and answered. 22 A. I'm caught on the word 23 "authority." 24 What do you mean by that?</p> |

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| <p style="text-align: right;">Page 404</p> <p>1 memory I would have read something like 2 this. I want to make sure. There are 3 several documents on Jamaica Phase I 4 Groundwater. 5 Q. Do you want to refer to 6 your notes to do that? 7 A. If I could, yes, please. 8 Q. Please. By all means. At 9 some point it may be appropriate, too, 10 to just go ahead and mark a copy of your 11 notes unless counsel wants to review 12 them first to see if there's any work 13 product. 14 MR. REO: It's already been 15 redacted in anticipation of your 16 request. 17 A. I want to make sure the 18 dates are right because there were 19 several -- it doesn't matter about 20 dates? 21 MR. REO: No, I'm not saying 22 that. 23 MR. STACK: I think counsel 24 is cautioning you that everything you</p> | <p style="text-align: right;">Page 406</p> <p>1 A. Same T number, January 7, 2 2008. 3 Q. Okay. I take it then you 4 did not see the memoranda that was 5 identified as Exhibit 26 for purposes of 6 this deposition? 7 A. That would be a fair 8 statement. It's not listed. I would 9 have listed it. 10 Q. With respect to the 11 technical report identified as 12 Exhibit 27, the Jamaica Phase I 13 groundwater, did you review that 14 document prior to your deposition? 15 April 2008, yes. 16 A. Yes, I did. 17 Q. With respect to this 18 document, have final decisions been made 19 as to where the treatment facilities 20 should be located in Queens? 21 A. As stated before, until the 22 modeling is finished, no, that decision 23 has not been made. 24 Q. With respect to -- and this</p> |
| <p style="text-align: right;">Page 405</p> <p>1 say is being written down. 2 MR. REO: And you can think 3 to yourself. 4 THE WITNESS: I reviewed my 5 notes twice and I don't see this, the 6 document you just referred to listed on 7 my notes. 8 BY MR. STACK: 9 Q. Did you review any of the 10 technical memos prepared by CDM/Hazen 11 and Sawyer concerning Jamaica Phase I 12 groundwater? 13 A. And I'd have to go back to 14 my.... 15 I have a Jamaica Phase I 16 groundwater, November 14. 17 Q. Of which year? 18 A. And there's an addenda to 19 that, Technical Memo T06-02-TM02. 20 Q. That is November of which 21 year? 22 A. 2007. And there's an 23 addenda to that. 24 Q. Okay.</p> | <p style="text-align: right;">Page 407</p> <p>1 is a chicken and egg question. I 2 apologize. With respect to the siting 3 of wells and treatment facilities in the 4 selection process, which location is 5 going to be identified and selected 6 first for purposes of the Dependability 7 Program? Are you going to identify 8 available sites with sufficient acreage 9 to put a treatment facility or are you 10 going to identify locations where wells 11 will be most productive and water will 12 be cleanest? 13 MR. REO: Objection. 14 A. My goal when I had -- when 15 I was chief was to fast track this 16 project. I have requested that as soon 17 as possible after the modeling has been 18 done is to identify the well sites first 19 so we can progress with them. So the 20 well sites will take -- they will go 21 concurrently, but the well sites will 22 come quicker. 23 Q. Now, in the course of your 24 work on the Dependability Program and</p> |

26 (Pages 404 to 407)

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| <p style="text-align: right;">Page 408</p> <p>1 the 55 mgd project, did you learn about</p> <p>2 which of the existing wells were</p> <p>3 considered for inclusion in the project</p> <p>4 and which were not?</p> <p>5 A. No wells have been excluded</p> <p>6 or included into the final decision.</p> <p>7 That's a correct statement.</p> <p>8 Q. At any point in time were</p> <p>9 you told that --</p> <p>10 A. You know, I just -- there's</p> <p>11 saltwater intrusion wells. Those are</p> <p>12 definitely not part of the 55 mgd</p> <p>13 potable water.</p> <p>14 Q. Fair enough.</p> <p>15 What I was going to do is,</p> <p>16 were you told that Station 45 should not</p> <p>17 be considered for inclusion in the</p> <p>18 Dependability Project because of the</p> <p>19 potential for saltwater intrusion</p> <p>20 affecting that well?</p> <p>21 A. If it's a saltwater</p> <p>22 intrusion well, yes.</p> <p>23 Q. Now --</p> <p>24 A. And I --</p> | <p style="text-align: right;">Page 410</p> <p>1 (Above-described document</p> <p>2 marked Meakin Exhibit 28.)</p> <p>3 THE WITNESS: I'm ready for</p> <p>4 your questions.</p> <p>5 BY MR. STACK:</p> <p>6 Q. Yes, sir. First, with</p> <p>7 reference to Exhibit 28, is it your</p> <p>8 understanding as a representative of the</p> <p>9 City of New York in this case who is</p> <p>10 most knowledgeable as to the</p> <p>11 Dependability Project -- Program -- I'll</p> <p>12 rephrase that.</p> <p>13 As the person most</p> <p>14 knowledgeable for the City of New York</p> <p>15 concerning the Dependability Program, is</p> <p>16 it your understanding that in developing</p> <p>17 wells in Queens for the 55 mgd project</p> <p>18 that wells where there is a potential</p> <p>19 for saltwater intrusion will not be</p> <p>20 included in the project?</p> <p>21 A. It will not be included as</p> <p>22 part of that project, the 55 mgd.</p> <p>23 Q. And with regard to the</p> <p>24 stations that were identified, was</p> |
| <p style="text-align: right;">Page 409</p> <p>1 Q. Yes, sir. Go ahead.</p> <p>2 A. Because once I remembered</p> <p>3 the saltwater, the emergency 15-mgd</p> <p>4 wells, as well, is not considered part</p> <p>5 of the 55. They are already in the</p> <p>6 program.</p> <p>7 Q. At 15 mgd?</p> <p>8 A. At 15 -- well, potential</p> <p>9 15, yes.</p> <p>10 MR. STACK: And I'll ask the</p> <p>11 court reporter to mark a document as</p> <p>12 Exhibit No. 28. And Exhibit No. 28 is a</p> <p>13 document which appears to have been</p> <p>14 forwarded to Ms. Barnes and not to you,</p> <p>15 unfortunately, but I want to see if it</p> <p>16 refreshes your recollection and we can</p> <p>17 clarify these locations.</p> <p>18 NYC-DS-027246 through 248.</p> <p>19 It's a series of e-mails, June 19, 2008,</p> <p>20 and June 23, 2008.</p> <p>21 I provide a copy to you,</p> <p>22 I'll provide a copy of what has been</p> <p>23 marked as Exhibit 28 to your counsel and</p> <p>24 to co-counsel.</p> | <p style="text-align: right;">Page 411</p> <p>1 Station 45 one of the stations that have</p> <p>2 been identified as having potential</p> <p>3 saltwater intrusion if pumping were to</p> <p>4 occur at that location?</p> <p>5 A. According to this exhibit,</p> <p>6 yes, that is one of the stations.</p> <p>7 Q. Is Station 45, to the best</p> <p>8 of your knowledge, being considered for</p> <p>9 any other project under the</p> <p>10 Dependability Program?</p> <p>11 A. It will be, yes.</p> <p>12 Q. When will it be?</p> <p>13 A. It is one of the listed</p> <p>14 projects, the desalination of brackish</p> <p>15 water. It would come under that</p> <p>16 program.</p> <p>17 Q. So if we were to look at</p> <p>18 the baseball cards in Exhibit 21, the</p> <p>19 location for Exhibit -- pardon me, the</p> <p>20 location for Well 45 is one of those</p> <p>21 that is potentially identified or may be</p> <p>22 identified for desalinization?</p> <p>23 A. It has potential of being</p> <p>24 part of that project. I do not know</p> |

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| <p style="text-align: right;">Page 436</p> <p>1 to produce 55 mgd?</p> <p>2 MR. REO: Objection.</p> <p>3 A. And the answer would be the</p> <p>4 same as for the other well we just</p> <p>5 discussed.</p> <p>6 Q. Which is that they are not</p> <p>7 considering it until such time as the</p> <p>8 modeling is completed?</p> <p>9 MR. REO: Objection,</p> <p>10 mischaracterization of his answer.</p> <p>11 A. It is stated that well 39</p> <p>12 is not recommended for Dependability at</p> <p>13 this time.</p> <p>14 When the model is -- when</p> <p>15 they are stating this, it's for the</p> <p>16 further development of the budget and</p> <p>17 the site. When the model is finished</p> <p>18 and when DEP agrees that the best well</p> <p>19 locations for the City of New York are</p> <p>20 these well locations and this happens to</p> <p>21 be in that area, it will be</p> <p>22 re-evaluated.</p> <p>23 Q. Now, with respect to</p> <p>24 well 35 -- 45, is it your understanding</p> | <p style="text-align: right;">Page 438</p> <p>1 would be excluded from further</p> <p>2 consideration for inclusion in that</p> <p>3 project?</p> <p>4 A. For the 55 mgd, yes, it</p> <p>5 will be evaluated in the desal, the</p> <p>6 desalination project.</p> <p>7 Q. With respect to the joint</p> <p>8 venture project, has a decision been</p> <p>9 made that the joint venture project will</p> <p>10 not develop or use water from the Upper</p> <p>11 Glacial Aquifer because of its</p> <p>12 susceptibility to contamination as part</p> <p>13 of the 55 million gallon per day</p> <p>14 project?</p> <p>15 MR. REO: Objection.</p> <p>16 A. The joint venture has</p> <p>17 stated that deeper wells may produce</p> <p>18 better quality water than the upper</p> <p>19 aquifer. Until the model is completed</p> <p>20 and that is proved out to be correct to</p> <p>21 gain us 55 potable water, the decision</p> <p>22 hasn't been made which wells are to be</p> <p>23 selected.</p> <p>24 Q. Fair enough.</p> |
| <p style="text-align: right;">Page 437</p> <p>1 that the location of well 45 is not</p> <p>2 proposed for the Dependability Project</p> <p>3 because there is concern that if a deep</p> <p>4 well was installed there, it would</p> <p>5 possibly promote saltwater intrusion?</p> <p>6 MR. REO: Objection.</p> <p>7 A. It was my understanding in</p> <p>8 the previous document you presented to</p> <p>9 me that well 45 has possible saltwater</p> <p>10 intrusion.</p> <p>11 Q. And as a saltwater</p> <p>12 intrusion well, well 45 would be</p> <p>13 excluded because the production of</p> <p>14 water, including water which would</p> <p>15 induce saltwater intrusion, is not going</p> <p>16 to be something you will pursue in this</p> <p>17 phase of the project?</p> <p>18 MR. REO: Objection. You</p> <p>19 mean the 55 mgd project?</p> <p>20 BY MR. STACK:</p> <p>21 Q. With respect to the 55 mgd</p> <p>22 project, is it correct that any well</p> <p>23 which is identified as causing or</p> <p>24 contributing to saltwater intrusion</p> | <p style="text-align: right;">Page 439</p> <p>1 MR. STACK: I will ask the</p> <p>2 court reporter to mark another document</p> <p>3 as Exhibit 31. Exhibit 31 is an e-mail</p> <p>4 with attachments. It is -- the latest</p> <p>5 of which is July 13, 2007. It indicates</p> <p>6 that you were copied with this memo</p> <p>7 concerning water quality standards for</p> <p>8 dependability.</p> <p>9 I will provide you with a</p> <p>10 copy of Exhibit 31, I will provide a</p> <p>11 copy to your counsel and I will provide</p> <p>12 a copy of a portion of that to</p> <p>13 co-counsel because the attachment was</p> <p>14 not included.</p> <p>15 This document for the record</p> <p>16 is Bates labeled NYC-DS-053868 and it</p> <p>17 includes pages in the e-mail up to</p> <p>18 3870. Pages 3871 through 3875 are part</p> <p>19 and parcel of a memorandum to William</p> <p>20 Meakin from Gary Kroll, dated July 13,</p> <p>21 2007, and it is relating to flooding and</p> <p>22 water quality considerations.</p> <p>23 (Above-described document</p> <p>24 marked as Meakin Exhibit 31.)</p> |